

particular, he has adduced no evidence that a policymaker should have known of a prior pattern of similar misconduct by homicide detectives. While some Third Circuit cases indicate that a “reasonable fact-finder may conclude that a Police Chief has constructive knowledge of constitutional violations where they are repeatedly reported in writing to the Police Department,” *Hernandez v. Borough of Palisades Park*, 58 F. App’x 909, 913 (3d Cir. 2003), no evidence exists in this case that the Philadelphia Police Department received numerous written complaints about its homicide detectives in the early 1990s. In fact, only one written complaint was filed against Detectives Devlin and Worrell in the five years preceding Plaintiff’s arrest. *See* Docket No. 89 at page 7 of 15. By contrast, Mr. Forrest showed that six complaints were brought against one of his arresting officers in the five years leading up to his arrest, and that 622 written complaints were lodged against Camden police officers during those years. *Forrest*, 2019 WL 2998601, at *4, *4 n.5. Mr. Forrest thus adduced sufficient evidence that Camden had “knowledge of a prior pattern of similar incidents” of misconduct by police, *DeSimone*, 159 F.3d at 127, but Plaintiff has adduced no such evidence and his claim against the City fails.

Date: July 12, 2019

Respectfully submitted,

/s/ Michael R. Miller
Michael R. Miller
Deputy City Solicitor
Pa. Attorney ID No. 315759
City of Philadelphia Law Department
1515 Arch Street, 14th Floor
Philadelphia, PA 19102
215-683-5433 (phone)
215-683-5397 (fax)
michael.r.miller@phila.gov

